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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/901,078      | 07/10/2001  | Rebecca Lynn Siegel  | 47004.000089        | 7083             |

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EXAMINER

KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/901,078 | <b>Applicant(s)</b><br>SIEGEL ET AL. |  |
|                              | <b>Examiner</b><br>Stefano Karmis    | <b>Art Unit</b><br>3624              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/15/06</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed on 15 June 2006.

#### ***Status of Claims***

2. There are no new amendments to the claims. Therefore, claims 39-47, 49-66 and 68-86 remain pending.

#### ***Response to Arguments***

3. Applicant's arguments filed 15 June 2006 have been fully considered but they are not persuasive as discussed below. Therefore claims 39-47, 49-66 and 68-86 stand rejected and Applicant's request for reconsideration is respectfully declined..

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 39-47, 49-66 and 68-86 rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (hereinafter Keyes) U.S. Patent 6,456,983 in view of Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of How to Monitor Collectors (hereinafter Rial).

Claims 39-47, 49-66 and 68-86 rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (hereinafter Keyes) U.S. Patent 6,456,983 in view of Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of How to Monitor Collectors (hereinafter Rial) as stated in the previous office action, mailed 24 March 2006. Regarding independent claims 39, 58, 77 and 82, Keyes teaches receiving a baseline status of an account from an account database; retrieving an updated status of the account from an account database after a predetermined period of time; comparing the baseline status to the updated status, wherein the comparing operation is performed using a processor (column 4, line 43 thru column 5, line 22); generating an account metric based on the step of comparing the baseline status to the updated status, the account metric including a weighting according to at least a change in the level of delinquency of the account, wherein the generating operation is performed using the processor (column 5, line 57 thru column 6, line 36). Keyes teaches generating a score based on the account metric (column

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5, line 57 thru column 6, line 36). Keyes further teaches a liquidation profile which are representative of how historical delinquent accounts within a particular historical portfolio group recovered over time and can be based upon payments made to a collection agency (column 7, lines 41-65). Land teaches receiving baseline account status as well as updated account status (column 13, line 37-49 and column 14, lines 8-15 and Figures 18-20). Land teaches managing account receivables in which credit officers receive a performance evaluation for collecting on delinquencies which are monitored and become part of the credit officer's performance evaluation (column 11, lines 45 thru column 12, line 3). An account metric is generated by a percentage of available accounts receivables as well as forecasted collections are monitored and reported (column 11, lines 45-60). Keyes and Land fail to teach assigning a score to the account agent based on the account metric. Rial teaches a method for monitoring collectors in which individual collectors are monitored by supervisors and given a score (page 1). These call monitoring scores or other collector measurements are included in employee performance evaluations (page 3). It would have been obvious to one of ordinary skill in the art that the teachings of Keyes could have been modified to include the credit officer performance evaluation teachings of Land because it provides an efficient manner to monitor the collectors of delinquent accounts. The delinquent accounts taught by Keyes already contain weighted scoring parameters and therefore associating the scoring of the account and liquidation profile with a credit officer (agent) would result in increased efficiency by the agent and a greater probability of collecting on a delinquent account as intended by Keyes. Further it would have been obvious at the time of the Applicant's invention to modify the teachings of Keyes and the incentive

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teachings of Land to include the agent scoring teachings of Rial, because providing a score in the agent's evaluation provides an efficient manner of giving an incentive to the agent.

5. Applicant asserts that Keyes, Land and Rial fail to teach *generating an account metric based on the step of comparing the baseline status to the updated status, the account metric including a weighting according to at least a change in level of delinquency of the account*. The Examiner respectfully disagrees. As pointed out above, Keyes teaches generating an account metric by calculating a score for delinquent accounts (column 5, lines 57-67). The score is calculated using certain assumptions/factors including a change in the level of delinquency. Keyes teaches the score is determined at the time accounts go delinquent, when they are "rebuilt" or when "maintenance" is performed and the score is calculated from at least the outstanding balance on the delinquent account, the lapse of time from the last payment made on the delinquent account and how long the delinquent accounts have been in existence (column 5, line 65 thru column 6, line 13). Furthermore, Keyes teaches that liquidation profiles are established, the liquidation profiles take into consideration the change in delinquency of an account (column 7, lines 20-65). Therefore, Keyes does teach *generating an account metric based on the step of comparing the baseline status to the updated status, the account metric including a weighting according to at least a change in level of delinquency of the account* as discussed in claim 39. Claims 558, 77 and 82 have substantially similar limitations and follow the same reasoning as claim 39.

Applicant also argues that Keyes, Land and Rial fail to teach *assigning a score to the account agent based on the account metric*. The Examiner respectfully disagrees. Rial teaches a

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method for monitoring collectors in which individual collectors are monitored by supervisors and given a score (page 1). These call monitoring scores or other collector measurements are included in employee performance evaluations (page 3). Therefore, Rial teaches *assigning a score to the account agent based on the account metric* as stated in claim 39. Claims 58, 77 and 82 have substantially similar limitations and follow the same reasoning as claim 39.

6. In response to applicant's arguments against the references individually (pages 4-7 of Applicant's remarks), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). For example, Applicant argues that Keyes does not address the issue of evaluating account agent performance in any way. However, Keyes is not relied on for this teaching. The teaching is based on a combination of references and therefore Applicant's arguments, which address the references individually, are not persuasive.

7. In response to Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art that the

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teachings of Keyes could have been modified to include the credit officer performance evaluation teachings of Land because it provides an efficient manner to monitor the collectors of delinquent accounts. Keyes also teaches that the liquidation profiles can be based on information from internal collection agencies (column 7, lines 41-65). The delinquent accounts taught by Keyes already contain weighted scoring parameters and therefore associating the scoring of the account and liquidation profile with a credit officer (agent) would result in increased efficiency by the agent and a greater probability of collecting on a delinquent account as intended by Keyes (column 5, line 56 thru column 6, line 36). Further it would have been obvious at the time of the Applicant's invention to modify the teachings of Keyes and the incentive teachings of Land to include the agent scoring teachings of Rial, because providing a score in the agent's evaluation provides an efficient manner of giving an incentive to the agent. Therefore there is sufficient motivation to combine the teachings of Keyes, Land and Rial to teach the claim limitation in claim 39.

Applicant's argues that the office action improperly follows the logic that any and all factors that are useful for scoring an account are also useful for scoring an account agent. However, this appears to be what is performed in claim 39. An account metric is generated and a score is assigned to the account agent based on the account metric. Therefore, claim 39 follows the logic that factors for generating an account metric, which is the change in the level of delinquency, are used for scoring since the agent score is based on the account metric. Therefore, Keyes, Land and Rial are combinable as stated above and teach the limitations of claims 39, 58, 77 and 82.



***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

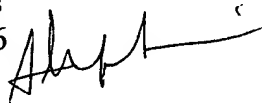
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

18 August 2006



CHARLES R. KYLE  
PRIMARY EXAMINER

